

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ELLIS DAVON DUDLEY, II,

Plaintiff,

5:24-cv-223 (BKS/TWD)

v.

MYRA MONTAQUE,

Defendant.

Appearances:

Plaintiff pro se:

Ellis Davon Dudley, II
Syracuse, NY 13261

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Ellis Davon Dudley, II commenced this proceeding and sought leave to proceed *in forma pauperis* (“IFP”). (Dkt. Nos. 1, 2). This matter was referred to United States Magistrate Judge Therese Wiley Dancks who, on April 4, 2023, granted Plaintiff’s application to proceed IFP, and issued a Report-Recommendation, recommending that Plaintiff’s claims be dismissed with leave to replead. (Dkt. No. 5). Plaintiff was informed that he had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 10). No objections to the Report-Recommendation have been filed.

As no objection to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory

committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Dancks's Report-Recommendation (Dkt. No. 5) is **ADOPTED**; and it is further

ORDERED that Plaintiff's claims (Dkt. No. 1) are **DISMISSED** with leave to amend; and it is further


ORDERED that any amended complaint must be filed **within thirty (30) days** of the date of this Order. Any amended complaint must be a complete pleading which will replace the current complaint in total; and it is further

ORDERED that if Plaintiff files a timely amended complaint, it shall be referred to Magistrate Judge Dancks for review; and if Plaintiff fails to file a timely amended complaint, the Clerk is directed to close this case without further order; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 26, 2024
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge